

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

and 224-263 of co-pending Application Serial No. 09/769,149 (hereinafter referred to as "the '149 application").

Also, the Examiner rejected claims 168-176, 179, 181-182, 184-189, 191, 193-203, 206, 207, 217, 220-225, 227-251, 257-258, 260-262, 264-267, 271-277, 279, 282, 284, 286, and 288-293 under 35 U.S.C. 103(a) as being unpatentable over Brick et al. U.S. Patent No. 6,269,342 (hereinafter referred to as "Brick") in view of Pellegrino et al. U.S. Patent No. 6,149,441 (hereinafter referred to as "Pellegrino"). Similarly, the Examiner rejected claims 177-178, 180, 183, 205, 208, 210-211, 213, 215-216, 218-219, 226, 252-256, 259, 263, 268-269, 280-281, and 283 under 35 U.S.C. 103(a) as being unpatentable over Brick as modified by Pellegrino and further in view of Rhoads U.S. Patent No. 6,311,214 (hereinafter referred to as "Rhoads"). Finally, the Examiner rejected claims 190, 192, 204, 209, 212, 214, 270, 278, and 287 under 35 U.S.C. 103(a) as being unpatentable over Brick as modified by Pellegrino and further in view of Reber et al. U.S. Patent No. 5,995,105 (hereinafter referred to as "Reber").

Applicant has amended claim 168 to add "material" and "machine recognizable" which were inadvertently omitted from the originally submitted claim 168. Additionally, in response to Examiner's objections to claims 190 and 192, Applicant has

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amended the claims to eliminate the informalities. Applicant respectfully submits that the claims are now in proper form.

In response to the Examiner's provisional obviousness-type double patenting rejection, Applicant has amended the specification to properly cross reference related applications and to claim the benefit of the May 25, 1994 filing date of Application Serial No. 08/250,799 (hereinafter referred to as "the '799 application"). Consequently, this application and the co-pending '149 application both have an effective filing date of May 25, 1994. Since any patents issued from either application will automatically end on the same date, Applicant respectfully submits that a terminal disclaimer is not required.

Additionally, Applicant thanks the Examiner for granting a September 9, 2002 telephone interview with the Applicant. As agreed, Applicant has amended the specification to properly cross reference related applications and to claim the May 25, 1994 filing date of the '799 application. An effective filing date of May 25, 1994 predates the filing date of Brick, Pellegrino, Rhoads, and Reber (relied upon by the Examiner for the 35 U.S.C. 103(a) rejections) as well as Roper U.S. Patent No. 6,270,351 B1; George et al. U.S. Patent No. 5,978,648; Russell et al. U.S. Patent No. 5,905,248; Durst Jr. et al. U.S. Patent Application

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Publication No. US-2001/0,011,276 A1; and Knowles U.S. Patent No. 5,905,251 (listed by the Examiner in the Notice of References Cited). Consequently, the aforementioned references are not proper references against this application.

Regarding the four remaining references, all four references relate to traditional bar code systems -- not the present invention, wherein a machine recognizable feature contained within a printed matter is utilized to access programming material. In fact, none of the references disclose any method for accessing programming material. Additionally, pending claims 168-201, 205-271, 288-289, and 291-292 do not claim use of a bar code system or bar code system components. Consequently, Applicant submits that the present invention is distinguished over the remaining four references.

In light of the foregoing amendments and remarks, Applicant submits that claims 168-293 are in condition for allowance.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that the present invention represents a patentable contribution to the art and the application is in condition for allowance.

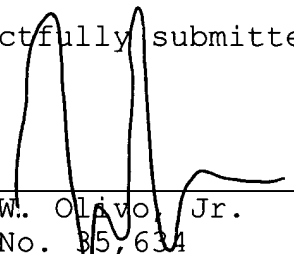
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Early and favorable action is accordingly requested.

Respectfully submitted,

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